

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

May 20, 2010

Professional Licensing Boards

237 Coliseum Drive, Macon, GA 31217

10:00 a.m.

A meeting of the Georgia Board of Chiropractic was held on Thursday, May 20, 2010, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:	Others Present:
Karen Mathiak, D.C., President Gregory Baker, D.C. J. Chris Nelson, D.C. Jeff Slocum, D.C. David Wren, D.C.	Anita Martin, Executive Director Graham Barron, Assistant Attorney General Carol White, Board Secretary Rob Alpert, D.C. Timothy O'Conner, D.C. Craig McNeal, D.C.

Karen Mathiak established that a quorum was present and the meeting was **called to order** at 10: 20 a.m.

Approval of minutes from the March 25, 2010 board meeting. Dr. Baker made a motion to approve. Dr. Nelson seconded the motion and it carried unanimously.

Licenses to ratify. Dr. Wren made a motion to ratify licenses. Dr. Slocum seconded the motion and it carried unanimously.

Approval of minutes from the April 23, 2010 Conference Call board meeting. Dr. Nelson made a motion to approve. Dr. Baker seconded the motion and it carried unanimously.

Request from Shailesha S. Kothari to lift requirements of subparagraphs (a), (b) and (e) from Public Consent order docket number 2009-0549. Dr. Slocum made a motion to deny the request. Dr. Nelson seconded the motion and it carried unanimously.

Request from Khaled Abouhaif to terminate probation from Public Consent Order, docket number 2006-0541. Dr. Baker made a motion to approve termination of probation. Dr. Slocum seconded the motion and it carried unanimously.

Correspondence from Dr. Steve Welsh re: an inquiry to the NBCE regarding a public announcement of the intent to develop an NBCE exam to support the recent legislation passed in the state of New Mexico. The Board states it does not have a contractual relationship with NBCE. Further, the Board finds that Georgia Chiropractic practice is drug free.

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Discussion of Chiropractic Assistant Duties (per Dr. Mathiak). The Board will consider the information below for discussion at the next Board meeting July 22, 2010.

Consideration of New Policy Statement OR revise Rule 100-15-.01

Pursuant to O.C.G.A. 43-24A-19

http://sos.georgia.gov/acrobat/PLB/laws/50_Massage_Therapists_43-24A.pdf

§ 43-24A-19. Exceptions

Nothing in this chapter shall be construed to affect, restrict, or prevent the practice, services, or activities of:

- (1) A person licensed, registered, or certified under any other chapter or article under Title 43 while engaged in the professional or trade practices properly conducted under authority of such other licensing laws, provided that such person shall not use the title of massage therapist;

Therefore, a Georgia licensed D.C. can provide massage services and direct chiropractic assistants to provide such services when the assistants are acting under the direct order and direct supervision of a licensed chiropractor.

100-15-.01 Chiropractic Assistants.

Chiropractors duly licensed in this state may utilize persons to assist them in those practices and procedures authorized by Title 43, Chapter 9 of the O.C.G.A. subject to the following limitations:

- (a) Only licensed doctors of chiropractic shall be authorized to perform adjustments of the articulations of the human body.
- (b) A person assisting a licensed doctor of chiropractic shall do so only under the direct order and direct supervision of a licensed doctor of chiropractic.
 1. For purposes of this Rule, "direct order" shall mean a written or verbal instruction or direction to perform practices or procedures authorized by Title 43, Chapter 9 of the O.C.G.A.
 2. For purposes of this Rule, "direct supervision" shall mean that a licensed doctor of chiropractic is physically present in the facility or office and is responsible for all practices and procedures performed under his or her direct order.
- (c) A chiropractic assistant may administer electric therapeutic modalities to patients only in those instances in which the assistant is acting under the direct order and direct supervision of a licensed chiropractor certified by the Board to utilize these modalities.
- (d) A chiropractic assistant may provide massage services as long as such assistant is acting under the direct order and direct supervision of a licensed chiropractor.

Executive Director's Open Session – Ms. Anita Martin

- Ms. Martin shared with the Board there is a computer upgrade going on at the Professional Licensing Boards.

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- Ms. Martin shared with the Board the Pharmacy Board is changing to another administrative section.

Miscellaneous.

- Dr. Alpert asked the Chiropractic Board if Manipulation under Anesthesia is allowed under Georgia law. Dr. Mathiak asked for Dr. Alpert to come to the July 22, 2010 Board meeting and give the Board a presentation on MUA.

EXECUTIVE SESSION

Dr. Nelson made a motion, Dr. Baker seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h) (2) and §43-1-2 (k) to deliberate and receive information on applications, investigative and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Wren and Dr. Slocum. The Board concluded Executive Session in order to vote on the matters and to continue with the public session.

Request from Sonya Williams, Legal Department, for a response to production of documents request on Dr. Ren Richard Halverson from G. Todd Carter. The request was withdrawn and the Board did not take any action on this matter.

Appointments:

1. 11:00 a.m. – T.J.O. – Dr. Nelson made a motion to refer to the Attorney General's office to approve under a Private Consent Order. Dr. Wren seconded the motion and it carried unanimously.
2. 11:30 a.m. – C.J.M. – Dr. Wren made a motion to approve. Dr. Nelson seconded the motion and it carried unanimously.

Applications/Licensure:

1. A.M.W. – Chiropractic Application- Dr. Wren made a motion to approve. Dr. Baker seconded the motion and it carried unanimously.
2. D.A.B. – Chiropractic Application – Dr. Slocum made a motion to approve with a Letter of Concern. Dr. Wren seconded the motion and it carried unanimously.
3. C.R.T. - Chiropractic Application – Dr. Wren made a motion to approve. Dr. Baker seconded the motion and it carried unanimously.
4. K.A.S. – Endorsement Application – Dr. Baker made a motion approve. Dr. Wren seconded the motion and it carried unanimously.
5. K.L.M. – Chiropractic Application – Dr. Wren made a motion to approve. Dr. Nelson seconded the motion and it carried unanimously.
6. S.F.M. - Chiropractic Application – Dr. Wren made a motion approve. Dr. Nelson seconded the motion and it carried unanimously.

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7. G.G.O. – Chiropractic Application – Dr. Nelson made a motion approve. Dr. Wren seconded the motion and it carried unanimously.
8. D.K.M. – Chiropractic Application – Dr. Baker made a motion the Board will consider upon receipt of a written explanation concerning applicant's arrests. Dr. Nelson seconded the motion and it carried unanimously.
9. C.J.K. – Chiropractic Application – Dr. Baker made a motion to deny and state in the denial letter he must Cease and Desist practice. Dr. Wren seconded the motion and it carried unanimously.
10. L.U. – Reinstatement Applicant – Applicant attended with attorney Robert Malone. Dr. Nelson made a motion to reinstate the license upon receipt of a "clean" license verifications from South Carolina, Alabama, New Your and approved Continuing Education. Dr. Wren seconded the motion and it carried unanimously.

Cognizant/Investigative Reports:

- **Advertisements received on T.C., D.C.** – The Board voted to send a Letter of Concern. Dr. Nelson made a motion, Dr. Baker seconded and the Board voted to accept the recommendations on the investigative report.

Executive Director's Report – Ms. Anita Martin

- Ms. Martin presented the Board with a request from Life University regarding PEAK faculty approval on R.S. – Dr. Nelson made a motion to deny the request. Dr. Wren seconded the motion and it carried unanimously.

Attorney General's Report – Mr. Graham Barron

- CHIR090013 - The Board voted to close with a Letter of Concern.
- The Chiropractic Board voted to send a query to Massage Therapy Board - Is it the opinion of your board that joint mobilization/joint manipulation falls within the scope of massage therapy practice in Georgia? If not, do you consider it appropriate for massage therapy training/diploma/degree programs to teach joint mobilization/joint manipulation within their curriculum?

Dr. Baker made a motion, Dr. Nelson seconded and the Board voted to accept the recommendations on the Attorney General's report.

Miscellaneous:

- Query from Brad Pizza, D.C.

The Chiropractic Board voted to update their policy statement and send a copy of the revised statements to the Insurance Commissioners Office, State Farm Insurance Co. and post to the website.

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At the May 20, 2010 meeting of the Georgia Board of Chiropractic Examiners, the Board voted that the following Procedure Codes are within the scope of practice and are appropriate for chiropractic services performed by a duly licensed doctor of chiropractic.

Procedure Code 97535

Procedure Code 99070

Procedure Code 72120

Procedure Code E0720

Procedure Code 97112

Procedure Code E0190

Procedure Code L3020

Procedure Code 72020

There being no further business to come before the Board, the meeting was adjourned at 3:00 p.m. on May 20, 2010.

Minutes prepared by: Carol White, Board Secretary

Reviewed/Edited by: Anita Martin, Executive Director